

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of  
**Edmund Hoppe et al.**

Examiner: **Ketter, James**

Application No.: **10/766,339**

Art Unit: **1636**

Filed: **January 28, 2004**

Title: **SCREENING ASSAY BASED ON THE FORKHEAD TRANSCRIPTION FACTOR-  
DEPENDENT SOD-3 PROMOTER**

### **RESPONSE TO OFFICE COMMUNICATION**

Commissioner for Patents  
P. O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

In response to the Restriction Requirement under 35 U.S.C. § 121 dated September 11, 2006, Applicants provisionally elect Group I (Claims 1-25), drawn to an isolated nucleic acid comprising SEQ ID NO: 1, and cells and *C. elenans* comprising the nucleic acid, classified in class 800, subclass 13, *with traverse*. Applicants file concurrently herewith a Petition under 37 § 1.136(a) to extend the time for response for one (1) month, or until November 11, 2006. Applicants respectfully request reconsideration and modification of the restriction requirement in view of the following remarks.

### **Remarks**

The Examiner has required, under 35 U.S.C. § 121, restriction to one of the following two groups of inventions:

Group I. Claims 1-25, drawn to an isolated nucleic acid comprising SEQ ID NO: 1, and cells and *C. elenans* comprising the nucleic acid, classified in class 800, subclass 13.

Group II. Claims 26-35, drawn to a method of identifying a modulating compound,